



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
OREGON OPERATIONS OFFICE
805 SW Broadway, Suite 500
Portland, Oregon 97205

December 21, 2010

Mr. Bob Wyatt
Northwest Natural & Chairman, Lower Willamette Group
220 Northwest Second Avenue
Portland, OR 97209

Re: Portland Harbor Superfund Site; Administrative Order on Consent for Remedial Investigation and Feasibility Study; Docket No. CERCLA-10-2001-0240
Portland Harbor Feasibility Study

Dear Mr. Wyatt:

This letter concerns the status of the Feasibility Study (FS) for the Portland Harbor Superfund Site and the steps the agency is requiring to ensure that the draft FS is of acceptable quality and on schedule. This letter also provides EPA's initial observations and feedback on information that was presented at the December 14, 2010 FS check-in meeting.

As you are aware, the AOC and original RI/FS Work Plan required the submittal of an alternatives screening document prior to the draft FS. In place of those deliverables, EPA agreed to an alternatives screening check-in process with milestone dates that included two days of meetings: 1) a meeting on December 7, 2010 to review the FS tools that would be used in the alternatives development, screening and evaluation, and 2) a meeting on December 14, 2010 for presentation of the results of the alternatives development and screening evaluation. EPA agreed to check-in meetings in lieu of an alternatives screening document in the interest of expediting the project schedule. We jointly developed the structure and content of the meetings, which were documented and provided by the LWG on July 1, 2010 (*Draft Objectives, Agendas, and List of Topics to Covered in Portland Harbor FS Alternatives Screening Check-in Process*). The LWG verified the purpose and content of the meetings during our project managers meeting on October 29, 2010, and LWG's FS consultant indicated that they expected to provide advance meeting materials on November 18, 2010 for the FS Tools meeting, and November 25, 2010 for the Alternatives Screening Check-in meeting.

On November 17, 2010, the LWG informed the EPA RPMs that it would not be able to present the completed alternatives screening analysis in December as previously planned. Instead, the LWG proposed presenting a subset of information on some of the FS tools that are being used in the alternatives screening effort, including preliminary capping chemical isolation evaluation, preliminary methods for volume determinations, disposal site screening evaluation, and Preliminary Remediation Goal (PRG) and Sediment Management Area (SMA) mapping uncertainty analyses. EPA requested that the LWG also provide an overview of the Monitored Natural Recovery (MNR) evaluation and the status of the alternatives screening process. The

LWG subsequently indicated that the December 14th meeting would be limited to the four topics proposed by the LWG, and those were the topics presented at the meeting.

As a result of the LWG's failure to present the necessary content of the Alternatives Screening Check-in Process, EPA does not have information on several of the key tools that will support the alternative screening using effectiveness, cost, and implementability criteria (e.g., SMA development, chemical mobility evaluations, MNR modeling, cost estimating, etc.). EPA also does not have information regarding the remedial technologies that should be included in comprehensive alternatives development by SMA, or the specific combinations of technology options within the range of comprehensive alternatives. In addition, LWG has not provided a schedule for submitting or presenting this information. Accordingly, the LWG has not met its obligations under the AOC.

EPA has engaged with the LWG on the development of the Portland Harbor FS since early 2009. EPA and the LWG reached agreement on many elements of the draft FS including remedial action objectives (RAOs), applicable or relevant and appropriate requirements (ARARs) and PRGs several months ago. EPA provided comprehensive comments on the remedial action alternative development and screening step in December 2009. EPA advised the LWG in our letter dated April 21, 2010 of our determination that the list of PRGs for use in the Portland Harbor FS has been sufficiently refined for the LWG to proceed with development and evaluation of cleanup alternatives. EPA believes that the LWG had sufficient information to proceed with the remedial action alternatives screening process well before the December 14, 2010 meeting date.

During the December 14th meeting, the LWG presented an approach for performing a quantitative uncertainty analysis. The presentation included the statement that "(t)he LWG does not support the use of EPA's focused PRGs without the above sensitivity analysis and further evaluations." EPA's April 21, 2010 letter stated that "the LWG could present other technical information and evaluations regarding the uncertainty, reliability, and general strength of the lines of evidence supporting each PRG. EPA expects that such information and evaluations will be provided prior to or as part of the alternatives screening check-in." This information has not been provided to EPA in such a manner that would allow EPA to support its use in the FS. Since this information has not been provided, EPA has no basis to modify the existing PRGs that have been provided for purposes of evaluation of alternatives in the draft FS. Therefore, the draft FS must evaluate alternatives to achieve all of the PRGs provided in our April 21, 2010 letter. Any additional analysis using other PRGs must occur in parallel with the alternatives evaluation in the draft FS provided that such additional evaluations can be completed without delays in the project schedule.

EPA understands that risk management considerations are a part of the process of moving from risk assessment to cleanup decisions. We are very concerned about the quantitative sensitivity analysis that the LWG is currently envisioning as part of its risk management process. Furthermore, the December 14th meeting presentation did little to increase our understanding of the content or timing of the LWG's analysis. To the contrary, the meeting highlighted how difficult it would be to develop such a quantitative approach. It appears that including the analysis as part of the FS screening process is unnecessary and has the potential to greatly impact the project schedule. In addition, EPA believes that the agreed upon risk assessment approach already provides an uncertainty analysis by considering a range of fish consumption rates,

considering both central tendency and reasonable maximum exposure scenarios and evaluating the consumption of both whole body fish and fillets.

In summary, the LWG must proceed with preparation of the draft FS report. The LWG should follow EPA guidance and specific direction for the Portland Harbor FS that EPA has previously provided through our written correspondence. In particular, the LWG should consider our December 2009 comments on the FS evaluation process and the April 2010 PRG letter. In order to meet its obligations under the AOC, the LWG must also submit the alternatives development and screening information that was not provided for our December 14th check-in meeting. EPA does not anticipate providing formal response to this information, however, and the LWG should proceed with completing the draft FS report. EPA does expect to provide additional feedback by mid-January on the topics that were presented at the December 14th meeting.

The draft FS report is due June 15, 2011. EPA established this deadline in our July 19, 2010 letter to the LWG that transmitted our RI and baseline risk assessment report comments. EPA considered the LWG's input in establishing the deadline, which provided almost 11 months for submittal of the draft FS report even though the April 2004 Programmatic Work Plan specified that the draft FS be delivered to EPA within 150 days (5 months) following the date of our comments on the draft RI and baseline risk assessment reports. Given the time the LWG and EPA have spent reaching agreement on a range of FS topics, EPA believes that the June 15, 2011 deadline is reasonable. EPA also believes that our RI and risk assessment comments have generally been resolved through our discussions this fall, and revising the draft RI and RA documents should not delay submittal of the draft FS. Please be aware that the draft FS is expected to be objective and transparent and be of sufficient quality for EPA to begin preparation of the proposed plan.

EPA strongly advises the LWG to continue to coordinate its work on the draft FS report with EPA. EPA is willing to meet or provide additional guidance on specific issues on the overall process as appropriate. In particular, EPA believes that continued discussions and exchange of key information will be beneficial in meeting our expectations for the draft FS report.

If you have any questions regarding these matters please contact Chip Humphrey at (503) 326-2678. All legal inquiries should be directed to Lori Cora at (206) 553-1115.

Sincerely,

Chip Humphrey
Remedial Project Manager

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